

Application No. 10/063315
Page 4

Response To Restriction Requirement

REMARKS

This Amendment is in response to the Office Action of November 9, 2004 and also in consideration of the earlier Office Action of May 3, 2004. In the Office Action of November 9, 2004, the response dated August 26, 2004 was deemed unresponsive. The Office Action indicated that the original claims were drawn to one species of the invention (Fig. 1) and that a constructive election of Fig. 1 had been made. Claims 23-37 were said to be drawn to an invention that is independent or distinct from the originally claimed invention, specifically Figs. 13A and B.

Applicant disagrees with these assertions. Independent claim 1 as filed reads on all the figures of the application, which include a segment in the form of a coil and a segment in a form other than a coil; Figs. 13A through 14C are included among these figures.

Nevertheless in order to facilitate prosecution, Applicant has canceled new claims 23-37 without prejudice or disclaimer. Applicant has added new claims 38-55. New claims 54 and 55 correspond to claims 5 and 6 as originally filed.

Original claims 5 and 6 were rejected under 35 USC 103(a) as being unpatentable over US Patent 5,911,732 to Hojeibane in view of US patent 6,258,117 to Camrud et al. Applicant disagrees with this rejection. All of the sections in Hojeibane appear to be cellular stents. Fig. 3 of Hojeibane is referred to as a cell type stent. Neither Hojeibane nor Camrud teach or suggest substituting an interlocking matrix as that of Camrud for a cell-type stent as in Hojeibane. Furthermore, there is no teaching or suggestion in Camrud that sections are suitable to be substituted in any stent. Applicant asserts that the Examiner has not provided any motivation as to why one would make this substitution.

BEST AVAILABLE COPY

Application No. 10/063315
Page 5

Response To Restriction Requirement

Conclusion

In view of the foregoing it is believed that the present application, with claims 38-55, is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: January 10, 2005

By: 

Brendan C. Babcock
Registration No.: 50705

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001
f:\wpwork\cbv_10039US01_rsp_20050105.doc

BEST AVAILABLE COPY